

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

IN RE:

THREE RIVERS OF RUTHERFORD LLC,

Debtor-in-Possession

Case No. 309-07306
Chapter 11
Judge Marian F. Harrison

OBJECTION TO EMPLOYMENT OF BANKRUPTCY COUNSEL
AND MOTION FOR PARTIAL PAYMENT

Hal Mills doing business as Mills and Sons Landscaping, a creditor to Three Rivers of Rutherford, LLC ("Debtor") respectfully states the following:

1. Mills and Sons Landscaping is a sole proprietorship company own by Hal Mills ("Mills").
2. Mills entered into as oral contract with Clair Vanderschaaf, the managing member of Three Rivers of Rutherford, LLC., as an independent contractor to provide plants, materials and services for landscaping and maintaining the lots and grounds own by Three Rivers of Rutherford, LLC.
3. Mills continued to provided services until Debtor became indebted in the amount of One Hundred Twenty five Thousand Dollars, (\$125,000.00).
4. Debtor filed for Chapter 11 Bankruptcy with this honorable court on June 30, 2009 and did not make notice to it's creditors.
5. Mills became aware of the bankruptcy proceedings three days before the first meeting of Creditors in August of 2009, and provided this court with a Proof of Claim and copies of all outstanding debits.
6. On or about the first day of October, 2009, Mills received notice of the Application to Approve Employment of Bankruptcy Counsel, from Paul E. Jennings, Attorney at Law, in whom Three Rivers of Rutherford, LLC., contracted to file to the petition with the petition with this Court on June 30, 2009.
7. Debtor stated in its application that the Counsel has considerable experience in Chapter 11 cases and should have known the Debtor would have Creditors in which

would need to be listed in the Bankruptcy matrix since Counsel filed the petition of Bankruptcy with this honorable court.

8. Debtor's Counsel has requested to be compensated at a hourly rate, both regarding the case and at times of traveling, along with a hourly rate for all paraprofessionals within his office.

9. Counsel, at this present time, is holding in an escrow account the amount of \$5,000.00 which can be used as a contingent fee with payment in full.

10. Since Mills is in the business of landscaping and the main period in which people hire him for improvements to their property has now passed, Mills moves this Court to release a partial payment owed to him for the use of maintaining his payroll for his own employees.

WHEREFORE, Hal Mills doing business as Mills and Sons Landscaping objects to the Application to Approve Employment of Bankruptcy Counsel at the rate stated. Mills, also prays that this honorable Court releases a partial payment in order for the company to make payroll.

Respectfully submitted

/s/ Hal Mills

Hal Mills D/B/A
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